

DECISION RECORD

EA Number: DOI-BLM-AZ-G020-2013-0016-EA

Serial/Case File No. AZA-033257

BLM Office: Tucson Field Office

Decision: It is my decision to select the proposed action which is to authorize the Mine Plan of Operation Amendment submitted by Smithco Enterprises, Inc. on January 23, 2013 for the expansion of the Bobbitt Quarry.

Alternatives Considered: A “No Action” alternative was considered and analyzed. The No Action Alternative would not fulfill the purpose and need of the project.

Rational for Decision: The proposed action is generally provided for in the Phoenix RMP on a case-by-case basis. The environmental assessment dated April 29, 2013 analyzed the potential impacts to the environment and the public should the mine plan of operation be authorized. A Findings of No Significant Impacts (FONSI) has been signed; therefore, there are no significant impacts to the environment that would require an environmental impact statement. By selecting the proposed action, the Tucson Field Office is implementing this portion of the Phoenix RMP. I have concluded that the MPO will not result in the undue and unnecessary degradation of the public lands. Therefore, pursuant to 43 CFR 3809.411 (d)(2), it is my decision to approve the Smithco - Bobbitt mining plan of operations amendment including the mitigation measures shown below.

Mitigation Measures/ Additional Stipulations:

1. Smithco Enterprises, Inc. shall maintain and adhere to the requirements of an appropriate Pinal County Air Quality permit.
2. If in connection with operations under this authorization, any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (16 U.S.C. 4701-4702; 54 U.S.C. 3048; 25 U.S.C. 3001) are discovered, the operator shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the BLM Tucson Assistant Field Manager for Resources of the discovery. The operator shall continue to protect the immediate area of the discovery until notified by the Assistant Field Manager that operations may resume.

Should any archaeological resources or vertebrate fossils be discovered during implementation of projects, all surface disturbing activities in the area of discovery shall cease and the Field Office archeologist shall be notified. The archeologist will evaluate the discovery and provide recommendations to the Assistant Field Manager for Resources. Surface disturbing activities shall not resume until permission is obtained from the Assistant Field Manager.

An additional cultural and/or paleontological resource survey may be required in the event the project location is changed or additional surface disturbing operations are added to the project after the initial survey. Any such survey must be completed prior to commencement of such operations.

3. Smithco Enterprises, Inc. shall train its employees and any sub-contractors working at the site on proper desert tortoise avoidance and handling procedures.
4. Smithco Enterprises, Inc. shall post and enforce a speed limit of not more than 25 miles per hour within the quarry operations area.
5. Smithco Enterprises, Inc. shall post signs at quarry entrances alerting drivers to the possible presence of the desert tortoise.
6. Smithco Enterprises shall install and maintain suitable fencing along the eastern side of the quarry expansion area to preclude the entry of desert tortoise into the operations area of the quarry. Smithco Enterprises shall consult with BLM biologists concerning acceptable fencing methods.
7. In order to reduce the likelihood of domestic dog-tortoise encounters, Smithco Enterprises, Inc. shall enforce a ban on unleashed dogs within the project area.
8. Smithco Enterprises, Inc. shall consult with the BLM on the proper seed mix and method of application for use in reclamation.
9. To the extent feasible, Smithco Enterprises, Inc. shall salvage cacti from the expansion area and transplant salvaged cacti in nearby disturbed areas. Smithco Enterprises, Inc. shall consult with BLM biologists concerning suitable receiving areas.

Appeals:

This decision may be protested or appealed under the procedures outlined in BLM Handbook 8720-1 Chapter IV (8) and 43 CFR Part 4 and the enclosed Form 1842-1.

/S/ Brian Bellew
Brian Bellew, Field Manager

May 15, 2013
Date

Attachments: Finding of No Significant Impact dated May 14, 2013
Environmental Assessment – DOI-BLM-AZ-G020-2013-0016-EA